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May 12, 2017

VIA ECF

Honorable Joel Schneider, U.S.M.J.
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, New Jersey 08101

Re: Melville v. Spark Energy, Inc., et al.
Case No. 1:15-cv-08706-RBK-JS

Dear Judge Schneider:

Plaintiff John Melville and Defendants Spark Energy Inc. and Spark Energy Gas, LLC (“Spark”) hereby submit this joint letter to update the Court on the progress of discovery in this case, in lieu of the discovery dispute letters referenced in paragraph 6 of Your Honor’s March 10, 2017 Order (Dkt. No. 36). In addition, to allow sufficient time for the orderly completion of factual discovery focused on class certification, the parties jointly request an extension of certain deadlines set forth in the current Scheduling Order (Dkt. No. 27), as previously contemplated in the last discovery conference with Your Honor.

Progress of Discovery

The parties report that they have been working cooperatively and diligently on discovery matters. Since the discovery teleconference held with the Court on March 10, 2017, the following discovery efforts have been undertaken:

- Each side has responded to the opposing party’s interrogatories and each side has provided additional information to each other since formally responding.
- Each side has provided Initial Disclosures to the other, and Spark has also provided supplemental disclosures.

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- Plaintiff has produced almost 4,000 additional documents potentially responsive to Defendants' requests for production.
- Spark took the deposition of the Plaintiff, John Melville, on April 26, 2017.
- Plaintiff has served notice of Rule 45 subpoenas for depositions and documents on certain non-parties.
- Spark has continued its rolling production of documents potentially responsive to Plaintiff's requests for production and the Court's March 10, 2017 Order, producing more than 10,000 documents.

Counsel for the parties have also engaged in two substantive telephone conferences (in addition to the exchange of email and discovery letters) to discuss the progress of discovery, each side's discovery disputes, and scheduling issues. While neither party intends to waive its right to bring any such disputes to the Court's attention in the future, we believe that at this time—provided that deadlines can be extended as requested below—we can continue to work cooperatively to resolve any disputes without the need for the Court's intervention.

Request for Extension of Deadlines

The parties hereby request an extension of the deadline in the Scheduling Order (Dkt. No. 27) for pretrial factual discovery focused on class certification from May 31, 2017 as follows: (i) to **July 31, 2017** for Spark to complete its document production; and (ii) to **September 29, 2017** for the completion of remaining factual discovery (principally for Plaintiff's depositions of Spark witnesses, and completion of third-party discovery). The parties further request an extension of the deadline for Plaintiff's filing of its motion for class certification from June 30, 2017 to **October 16, 2017**.

Good cause exists to extend these deadlines. First, the extensions will allow time for the orderly completion of the remaining discovery needed prior to Plaintiff's motion for class certification. In particular, Spark's production of potentially responsive emails and related ESI is expected to take another 45-60 days, and after that point Plaintiff anticipates taking approximately 3-5 depositions. An extension of the discovery deadline to September 29th should allow for the completion of this discovery, as well as accommodate any scheduling issues related to witnesses' and counsels' summer vacation plans. Second, these extensions will allow the parties to engage in possible settlement discussions. Third, Spark's partial motion dismiss (Dkt. No. 37), which challenged the named plaintiff's standing to assert claims on behalf of class members outside of New Jersey, was submitted to the Court on April 17, 2017 and is currently pending. As such, the requested extensions also may allow the Court to issue an order on that motion prior to Plaintiff's motion for class certification, thus clarifying the potential scope of the class. Your Honor may recall that we discussed the anticipated extension of the current deadlines during our last teleconference on March 10, 2017.

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Should Your Honor have any questions, please do not hesitate to contact us.

Respectfully Submitted,

/s/ Eric R. Fish

Eric R. Fish
COUNSEL FOR DEFENDANTS

- and -

/s/ David J. Stanoch

David J. Stanoch
COUNSEL FOR PLAINTIFF

cc: Richard M. Golomb
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Michelle D. Pector
Joshua C. Thomas

SO ORDERED, this _____ day of _____, 2017

Hon. Joel Schneider, U.S.M.J.